

REMARKS

Group II (Claim 19) was elected. Claims 20-23 have been amended to correct clerical errors and to provide antecedent basis. Support therefor can be found, for example, on page 8, lines 7-10, page 4, lines 19-21, and Figure 2.

New Claim 24 has been added. Support therefor can be found, for example, in Example 4 and Figure 2. Applicant would like to explain to the Examiner the reason for adding Claim 24. Upon filing of the subject application on May 29, 2001, a Preliminary Amendment was also filed presenting claims that correspond to Claims 36-42 in the parent application, now issued U.S. Patent No. 6,261,816 B1. Claims 37-42 were cancelled prior to issuance in an after final amendment filed February 21, 2001. In the above-mentioned Preliminary Amendment Claims 18-23 were presented that correspond to Claims 36-41 of the parent. Claim 24 corresponding to Claim 42 of the parent was inadvertently omitted. Thus, new Claim 24 corresponds to Claim 42 of the parent.

In addition, Applicant hereby requests that newly amended Claims 20-24 be included in Group II and that the new Group II be examined on the merits.

No new matter has been added.

Applicant expressly reserves the right under 35 U.S.C. §121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

SUMMARY

The above amendments to the Claims are submitted for the purpose of facilitating the examination of the Claims. Applicant respectfully requests examination of Claims 19-24 on the merits.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (858) 720-7961.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. **30062200212**.

Respectfully submitted,

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Exhibit A: Marked-up Version of Amendments to the Claims.

20. The method of claim [37] 19 wherein the *S. erythraea* is a mutant that produces no macrolide.

21. The method of claim [38] 20 wherein said *S. erythraea* mutant is mutant A34.

22. The method of claim [39] 21 wherein said macrolide is other than 6-dEB.

23. The method of claim [39] 21 wherein said macrolide is a 14-member macrolide.